

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

<b>WILLIAM VICTOR,</b>	:	
<b>Plaintiff</b>	:	<b>CIVIL ACTION NO. 1:20-425</b>
<b>v.</b>	:	<b>(MANNION, D.J.) (CARLSON, M.J.)</b>
<b>JOHN WETZEL, et al.,</b>	:	
<b>Defendants</b>	:	

**ORDER**

Presently before the court is the report and recommendation (“Report”) of Magistrate Judge Martin C. Carlson, ([Doc. 61](#)), which recommends that the court deny the plaintiff William Victor’s two motions for injunctive relief, ([Doc. 56](#); [Doc. 58](#)). Neither party has filed objections. Also before the court is Victor’s motion seeking an order directing defense counsel to serve all future filings in this case on him via U.S. First Class Mail. ([Doc. 54](#)).<sup>1</sup>

Even where no objection is made, the court should, as a matter of good practice, “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” [Fed.R.Civ.P.72\(b\)](#) advisory

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<sup>1</sup> Victor has filed two letters. ([Doc. 62](#); [Doc. 65](#)). The first letter expresses Victor’s willingness to “engage in reasonable mediation [sic] efforts.” ([Doc. 62, at 1](#)). The second letter reiterates his desire to receive all filings in this case by U.S. Mail instead of by facsimile. ([Doc. 65](#)).

committee notes; see also *Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F.Supp.2d 465, 469 (M.D.Pa.2010) (citing *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir.1987) (explaining judges should give some review to every report and recommendation)). Nevertheless, whether timely objections are made or not, the district court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. §636(b)(1); M.D.Pa. Local Rule 72.31.

In his Report, Judge Carlson notes that, after having his previous motions for preliminary injunctions denied, Victor filed two more motions that again seek injunctive relief against SCI Phoenix officials based upon allegations that are not legally, logically, temporally, or topically related to the claims in this lawsuit. As before, Judge Carlson notes that Victor has failed to demonstrate the procedural prerequisites for injunctive relief by showing a likelihood of success on the merits or that he will suffer irreparable harm that can be appropriately remedied by this court and, moreover, the balance of interests weighs against the entry of a preliminary injunction. Victor's motions additionally do not comply with the substantive and procedural requirements for inmate injunctive relief, such as presenting a prayer for relief that is narrowly drawn. For all these reasons, Judge Carlson once again recommends this court deny Victor's motions for preliminary injunction.

The court has conducted a thorough review of the Report, the pleadings, and the other filings of record, as well as the applicable law in this case, and the court agrees with Judge Carlson's sound reasoning which led him to his recommendation. Accordingly, the court will adopt the Report in its entirety as the decision of this court.

Finally, with respect to Victor's motion regarding his desire to be served legal documents by U.S. Mail, the court will deny the motion. Victor makes several unsubstantiated allegations regarding his mail, such as that the documents are being faxed to the prison warden's secretary, viewed and copied, and used against him by prison staff, who have filed misconduct charges against him in order to "strip" him of privileges. ([Doc. 55](#), at 1). Victor has not named or described the documents he references, nor has he provided supporting documentation such as copies of the documents themselves. In the absence of any supporting factual evidence or argument, the motion is denied without prejudice.

**NOW, THEREFORE, IT IS HEREBY ORDERED THAT:**

(1) The Report of Judge Carlson, ([Doc. 61](#)), is

**ADOPTED IN ITS ENTIRETY;**

(2) Victor's motions for injunctive relief, ([Doc. 56](#); [Doc. 58](#)), are **DENIED**;

(3) Victor's motion for an order directing all filings to be served on him by U.S. Mail, ([Doc. 54](#)), is **DENIED**

**without prejudice**; and

(4) The matter is **REMANDED** to Judge Carlson for further proceedings.

s/ Malachy E. Mannion  
**MALACHY E. MANNION**  
**United States District Judge**

**DATE: February 12, 2021**

20-425-03